

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/653,408 (*Q60439*)

REMARKS

Claims 1-7 are all the claims pending in the application.

I. Claim Rejection Under 35 U.S.C. § 112(2nd):

The Examiner rejects claims 1-7 under 35 U.S.C. § 112(2nd), as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants disagree.

As a preliminary matter, the raised rejection is deficient in that the Examiner has not pointed out a specific claim term that is alleged to be objectionable. Nevertheless, Applicants respond to the various points raised by the Examiner as follows. The Examiner inquires whether the fairing 7 and the pod 1 (as shown in the figure) are the same element. Yes they are ... to the extent that the fairing 7 forms the pod 1. Also, as indicated in the grounds of rejection, the fairing 7 does cover the stator 3. In the non-limiting, exemplary embodiment depicted in the figure, the stator 3 is a separate and distinct element from the fairing 7.

As a path of least resistance, and without narrowing the scope of the claims, Applicants editorially amend claims 1, 2, 3, and 6 for clarification. The amended claims are believed to more particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner is respectfully requested to reconsider and remove the § 112(2nd) rejection.

II. Claim Rejections on Prior Art Grounds:

The Examiner rejects claims 1, 3, and 5-7 under 35 U.S.C. § 103(a) as being obvious over U.S. 4,366,387 to Carter, Jr. et al. ("Carter") in view of U.S. 5,903,073 to Mukai; claim 4

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under 35 U.S.C. § 103(a) as being obvious over Carter and Mukai, and further in view of U.S. 5,977,667 to Hirose ("Hirose"); and claim 2 under 35 U.S.C. § 103(a) as being obvious over Carter and Mukai, and further in view of U.S. 4,350,898 to Benoit ("Benoit"). Applicants respectfully traverse these rejections in view of the following remarks.

According to claim 1, *the stator contacts the fairing*. At least this feature is not taught or suggested by the prior art relied upon by the Examiner.

The grounds of rejection recognize that the stator of Carter's generator 34 does not contact the streamlined housing 32 of the disclosed head assembly 18. Therefore, the grounds of rejection look to Mukai to allegedly teach this feature. Applicants respectfully assert that this rejection position is incorrect for a couple of reasons.

The Carter Reference: As pointed out in the April 10, 2002 Amendment, Carter's disclosure is straightforward with respect to the structure of the head assembly 18. Namely, and with reference to Fig. 2 of Carter, the generator 34, which is provided on the inside of the streamlined housing 32, has its own housing. The housing of the generator 34 is the cylindrical element positioned between the gear box 36 and the electrical component 40. This cylindrical housing is a distinct and separate element from the streamlined housing 32.

The Mukai Reference: With reference to Fig. 1 of Mukai, the disclosed alternator 1 includes a stator 3 with a core 31 mounted on the front half 7 of the alternator housing. Mukai does not, however, provide any relevant teachings regarding the placement of the stator relative

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to a fairing. Indeed, Mukai's device does not even include a fairing, which is an element that reduces wind drag.

The Combination: If those skilled in the art were somehow motivated to combine Carter and Mukai, they would have (at best) positioned the stator of the generator 34 on the inside surface of the cylindrical housing, as taught by Mukai. Since the cylindrical housing of the generator 34 is provided in addition to (and inside of) the streamline housing 32, the stator of the generator 34 would not (and necessarily could not) contact any portion of the streamlined housing 32. Instead, the stator would be spaced apart from the streamlined housing 32. The assertions to the contrary in the grounds of rejection are simply incorrect.

Turning to the next point, the Examiner's alleged modification appears to involve all together dispensing with the streamlined housing 32. However, the streamlined housing 32 performs many desirable functions, including shielding electrical components from the exterior environment, and reducing the drag associated with the air flow across the head assembly 18. Consequently, those skilled in the art would not have been motivated to make any modification that involves dispensing with the streamlined housing 32.

For these reasons, Applicants respectfully assert that claim 1 is patentable, and that claims 2-7 are patentable at least by virtue of their dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ray Heflin
Registration No. 41,060

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) A wind-power generator pod comprising:
a rigid fairing in which at least one electricity generator is disposed for coupling to at least one wind-driven propeller, wherein the rigid fairing of the pod constitutes the body of the generator in which a stator and a rotor are mounted, such that the stator contacts the fairing.
2. (Amended) The pod according to claim 1, in which the rigid fairing of the pod is surrounded by a tubular sleeve forming a substantially annular air passage ~~along the~~ between the rigid fairing and the tubular sleeve.
3. (Amended) The pod according to claim 1, in which the rigid fairing of the pod ~~is an interference fit on attached~~ to the stator of the generator via an interference fit.
6. (Amended) The pod according to claim 5, in which ~~said~~the gearbox is mounted inside ~~said~~the rigid fairing.